



**U.S. Department of Homeland Security**

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STATEMENT

OF

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BEFORE THE

HOUSE COMMITTEE ON HOMELAND SECURITY COMMITTEE ON MANAGEMENT,  
INTEGRATION,  
AND OVERSIGHT

**“287(g) PROGRAM: ENSURING THE INTEGRITY OF  
AMERICA’S BORDER SECURITY SYSTEM THROUGH FEDERAL-  
STATE PARTNERSHIPS”**

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210 CANNON HOUSE OFFICE BUILDING

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THE COMMITTEE. Thank you for the opportunity to speak to you today about the important work that is being accomplished by U.S. Immigration and Customs Enforcement (ICE) in partnership with state and local law enforcement. ICE is aware of the critical role state and local law enforcement has in the broad homeland security mission. State and local law enforcement officers are not only the first responders when there is an incident or attack against the United States, but, also, during the course of their daily duties they may encounter foreign-born criminals and immigration violators who could threaten our national security or public safety. ICE recognizes that critical role and partners with state and local law enforcement agencies nationally and locally through a variety of arrangements that increase the overall effectiveness of federal, state and local law enforcement and our joint ability to protect the homeland.

Special Agents assigned to 26 ICE field offices throughout the United States coordinate the ICE response when notified by state or local officials of ongoing criminal activity within ICE's enforcement jurisdiction. ICE's law enforcement jurisdiction is broad and the mission of protecting the United States and its people by deterring and investigating the movement of people and goods into and out of the United States and apprehending illegal aliens within the United States, while simultaneously addressing vulnerabilities to our Nation's borders and systems.

ICE recognizes that combating terrorism and criminal activity is best accomplished from a multi-agency/multi-authority approach that encompasses federal, state and local resources, skills and expertise. In addition to direct enforcement actions, ICE believes sharing information with our state and local partners in law enforcement is a critical component of the vision of the DHS and ICE to ensure the safety of the United States and the American people.

ICE has provided a wide variety of training opportunities for state and local law enforcement officers. Before the formation of the Department of Homeland Security (DHS), the Immigration and Naturalization Service cooperated with the International Association of Chiefs of Police (IACP) to provide a two-day field-training course "Responding to Alien Crime." This course provided information concerning criminal aliens to law enforcement agencies throughout the United States. In 2003, ICE produced a new video training course in cooperation with the IACP. Over 250 law enforcement officers in Phoenix and Sierra Vista, Arizona; Dallas, Texas; Philadelphia, Pennsylvania and Miami, Florida attended the new course. Also in 2003, ICE provided a basic block of instruction in immigration law and procedures to 654 Alabama State Troopers. Sixteen classes were held in seven different locations. That instruction was given in preparation for implementation of a Section 287(g) agreement with the State of Alabama to allow certain State Troopers to perform immigration enforcement functions under ICE supervision.

Under Section 287(g) of the Immigration and Nationality Act (INA), the Secretary of Homeland Security has the authority to enter into formal written agreements with state and local political jurisdictions to authorize state and local law enforcement officers to perform immigration enforcement functions. The law requires that a written Memorandum of Understanding be signed between the parties. All selected law enforcement officers must receive the appropriate

training in immigration law and procedure and must be individually certified. ICE must supervise all selected officers when they are using their immigration authority under Section 287(g). Properly constructed, mutually agreed upon Section 287(g) agreements are a dynamic, yet closely monitored force multiplier for ICE in its commitment to protect America's communities.

The written agreement in the form of a Memorandum of Understanding is the keystone to the effective execution of Section 287(g). It must be comprehensive and define the scope and limitations of each authority to be exercised under Title 8. It mandates a rigorous, multi-week training program that encompasses immigration and naturalization law, statutory authority, racial profiling and cultural awareness training, which mirrors the training that ICE agents receive. It establishes the supervisory structure over the officers with authority under Section 287(g) and prescribes an agreed-upon complaint process governing officer conduct during the life of the agreement.

After September 11, Florida officials were increasingly concerned about the number of terrorist related cases in Florida, many involving foreign nationals, and established seven Regional Domestic Security Task Forces throughout the state. In 2002, the Florida Department of Law Enforcement entered into the first Section 287(g) agreement. Thirty-five officers assigned to the regional task forces participated in an extensive training program, graduated and were certified to perform the duties of immigration officers. In April 2005, ICE completed the second 287 (g) Delegation of Authority course, under the existing Florida MOU. ICE trained and cross-designated 27 law enforcement officers from various agencies throughout the State of Florida. This agreement has been successful and productive. The Florida task forces have conducted over 170 investigative cases and recorded numerous arrests.

Building on the success of the Florida agreement, ICE and the State of Alabama signed a written agreement in September 2003 to provide immigration enforcement authority to a selected group of 21 Alabama State Troopers. Like their Florida colleagues, those troopers received extensive training in immigration and nationality law and procedure at the DHS Center for Domestic Preparedness in Anniston, Alabama. They are now certified and have the authority to perform immigration enforcement functions incidental to their normal duties as patrol officers or at driver licensing stations. They are also trained and certified to transport and detain aliens unlawfully present in the United States.

ICE has expanded the use of Section 287 (g) Delegation of Authority agreement as an appropriate force multiplier into state and local systems. This will have a significant impact on ICE's ability to identify and remove criminal aliens from the non-federal criminal justice system. ICE believes that the 287(g) Delegation of Authority program will produce enormous dividends when used within the state and local jail systems. State or local correctional officers, with immigration authority under Section 287(g) and under ICE supervision, could identify, process and lodge detainers against criminal aliens. Such a partnership between ICE and a jail could result in more criminal aliens being removed from the United States.

I assure you of ICE's commitment to establishing and maintaining effective partnerships and information sharing with state and local law enforcement agencies. Such partnerships are

essential to carrying out ICE's mission of deterring criminal alien activity and threats to national security and public safety in the United States. We are very appreciative of the work of the many state and local law enforcement officers who assist ICE daily in its mission and we are pleased to be able to assist them.

ICE maintains a vast repository of immigration related information. ICE will continue to share that information with all of our partners in law enforcement. In fiscal year 2004, the ICE Law Enforcement Support Center (LESC) provided immigration related information requested by our state and local law enforcement partners and federal colleagues on nearly 668,000 occasions. This represents an increase of over 73,000 responses from the previous fiscal year. The LESC regularly responds to over 60,000 queries per month.

The LESC is the vital ICE point of contact with our country's entire law enforcement community. The LESC is on the cutting edge of the federal effort to share critical enforcement information with state, county, local and even international law enforcement officers. It provides timely immigration status and identity information and real-time assistance to local, state and federal law enforcement agencies on aliens suspected, arrested or convicted of criminal activity. The LESC operates 365 days a year, 24 hours a day, 7 days a week assisting law enforcement agencies with information gathered from 8 immigration databases, the National Crime Information Center (NCIC), the Interstate Identification Index (III) and other state criminal history indices. Access to the LESC is fully electronic and uses the same telecommunications system – NLETS – familiar to and used by all of law enforcement for over three decades. Responses to requests for information sent to the LESC are routinely received and returned within an hour. Since the LESC was established in 1994, the primary users have been state or local law enforcement officers seeking information about aliens encountered in the course of their daily duties. The rapidly growing number of queries submitted and answered by the LESC demonstrates its acceptance and effectiveness in the law enforcement community.

The merging of 22 agencies and bureaus into the Department of Homeland Security provides new access to law enforcement databases that will now be used by the LESC to significantly broaden its enforcement capabilities. For example, the LESC now has access to intelligence information from multiple DHS databases, including SEVIS and US VISIT. This will improve the LESC's ability to provide timely, critical information to state and local law enforcement agencies around the Nation, as well as to international enforcement agencies.

The LESC is also the focal point for the ICE NCIC program and has a permanent NCIC unit dedicated solely to receiving, resolving, entering and maintaining every record deemed eligible for entry into NCIC. ICE is committed to utilizing NCIC as a way to inform state and local law enforcement about wanted and fugitive aliens. ICE has entered over 155,000 records in NCIC. At the present time, the majority of those records are deported felons, but they also include persons with outstanding ICE criminal warrants, a small number of National Security Entry-Exit Registration System (NSEERS) violators and absconders.

There is significant law enforcement information value in the records that ICE is entering in NCIC. That information value goes directly to issues of public and, specifically, officer safety. The ICE NCIC information may be key in assisting state and local law enforcement officers

make the real time critical decisions that they are required to make every day. ICE has recently consolidated and enhanced its response to state and local law enforcement agencies seeking assistance in immigration related enforcement matters, including requests for NCIC hit confirmations, status and identity information and assistance in instances of suspected over-the-road alien smuggling.

Additionally, the LESC provides training to state, local and other federal law enforcement officers on how to access its information and on ICE roles and responsibilities. The LESC is currently developing an Office of Law Enforcement Liaison that will have among its responsibilities providing training to law enforcement nationwide. In the last 24 months, LESC agents trained federal, state and local law enforcement officers in Alabama, Arkansas, Arizona, California, the District of Columbia, Florida, Georgia, Idaho, Maryland, Minnesota, Mississippi, Nevada, New York and Texas.

Another way the LESC is working to facilitate the timely flow of information to our state and local partners is through an automated electronic notification to the LESC when a criminal alien is booked into a state, county or local jail. An electronic query is automatically sent to the LESC every time an inmate claims foreign place of birth during the jail booking process. This process is called “Blind Booking” and virtually eliminates any claim of profiling. Currently, there are seven jails utilizing the LESC’s “Blind Booking” concept. They are: Anaheim, San Diego and San Mateo in California; El Paso and Travis Counties in Texas; Metro-Dade in Florida and Maricopa County, Arizona. In those jails, detainees can be lodged directly by the LESC with subsequent follow-up by local ICE officers. In some of those jails, ICE officers assigned to dedicated jail units interview individuals identified through the automated booking process. “Blind Booking” quickly provides jails with important identity and status information about criminal aliens in their custody and, at the same time, assists ICE in its efforts to locate and remove criminal aliens from the United States.

ICE and DHS coordination with law enforcement around the country has expanded significantly since September 11.

Another unique ICE asset, the ICE Forensic Documentary Laboratory (FDL), also serves the needs of state and local law enforcement and our federal colleagues. The FDL provides a wide variety of forensic and intelligence services in support of the DHS mission to enforce immigration laws and combat document fraud. The FDL is unique among Federal crime laboratories both in its dedication to the forensic examination of documents, and its integration of an operational intelligence and training capability. In addition to directly supporting DHS field officers, it also offers its services to other federal, foreign, and state and local governmental entities. For example, the FDL has performed forensic document and fingerprint examinations for numerous state and local police agencies, Departments of Motor Vehicles, and local prosecutors’ offices. The FDL has also provided training in fraudulent document recognition to the International Association of Chiefs of Police (IACP), state and local police agencies, and motor vehicle departments. The FDL developed the Guide to Selected U.S. Travel and Identity Documents (M-396), a highly instructive pocket guide for state and local law enforcement and other governmental personnel who encounter immigration and other U.S. documents.

In closing, I would like to re-emphasize that the future of the 287(g) Delegation of Authority Program will better serve the people of the United States and ICE's mission being utilized in the Nation's prison and jails. This will allow ICE to maximize the potential of the 287(g) Program by increasing the number of incarcerated criminal aliens identified and removed from the United States.

I want to thank the distinguished members of this Committee for the opportunity to speak before you today. I look forward to answering any questions you may have.